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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/061,833 04/16/98 BOSSEMEYER

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EXAMINER

ESCALANTE, D

ART UNIT

PAPER NUMBER

2645

DATE MAILED:

06/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/061,833

Applicant(s)

BOSSEMEYER ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-10,22,23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10,22,23,25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to applicant's request for reconsideration filed on June 5, 2001.

**Claims 1-4,6-10,22,23,25-30** are now pending in the present application.

#### *Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 22,23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by McKendry et al. US Patent 5,768,356, (hereinafter McKendry), as used in the previous Office Action.

*Regarding claim 22*, McKendry teaches of a switch (personal call manager – PCAM, fig. 1 and fig. 3) connected to an external telephony channel (trunk lines 110-1, 110-2) and an internal telephony channel (extensions 121-1,121-2,121-n):

a processor (PCAM controller 310, call handling detectors 360), (col. 19, lines 51-59,64-67 and col. 5, lines 56-63), capable of performing a derived line process, (the PCAM controller 310 is able to detect when one of the extensions goes off-hook and will monitor line, col. 44, lines 63-col. 45, line 6), connected to the switch (PCAM 100), the processor (PCAM controller 310) sending and receiving messages from the switch, (col. 5, lines 56-63), (The controller PCAM controller 310, uses a call handler operation to route, handle, and monitor telephone calls.);

a conference call bridge connected to the switch, (fig. 4, col. 25, lines 16-20); and

a caller identification (330, fig. 3) system receiving an identify query from the processor, (col. 21, lines 51-58).

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**Regarding claim 23**, McKendry teaches of a voice processing system (answering machine 131, fig. 1) coupled to the processor (PCAM), the voice processing system capable of storing a voice mail, (fig. 1, col. 10, lines 4-5).

**Regarding claim 25**, McKendry discloses of a router coupled to the switch, (col. 3, line 61 – col. 4 line 3). The PCAM (router) routes the calls through the user premise.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1,6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry et al. US Patent 5,768,356, (hereinafter McKendry) in view of Baldwin et al. US Patent 6,104,909, (hereinafter Baldwin) and further in view of Snelling et al. US Patent 6,058,104, (hereinafter Snelling), as used in the previous Office Action.

**Regarding claim 1**, McKendry teaches of a user programmable call manager (PCAM) device which route incoming calls with a specified caller ID to various extensions such as a remote phone or to a telephone answering service.

McKendry further teaches of a home gateway system comprising:

a voice processing system (answering machine 131, fig. 1) coupled to a service entrance (191) which is connected via landline connection to the public switch network, the voice processing system is capable of storing a message from an incoming call (fig. 1, fig. 3, col. 10, lines 4-5).

a conference call bridge (fig. 4, col. 25 lines 16-18);

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a caller identification processing system (330, fig. 3), the caller identification processing system determining a telephone number of the incoming call and routing the incoming call to the voice processing system if the telephone number belongs to a screened group of telephone numbers (col. 6, lines 57-65, col. 29, lines 21-34).

McKendry fails to teach using a wireless local loop having a transceiver coupled to the voice processing system and to the caller identification processing system. McKendry also fails to teach of having a transceiver with a multiplexer.

Baldwin teaches of a fixed wireless terminal (200, fig. 2) which may be attached to a building or residence which comprises a transceiver (210, fig. 2) which is capable of establishing a wireless local loop point to point link to a geographically separated, non-mobile base station (22, fig. 1) which is connected to the PSTN (24), (Fig. 1). The system of Baldwin also has a transceiver (210) which is coupled to a call processor (208) which sends caller identification information to the caller ID module (222), (Fig. 2). The processor encodes and decodes voice and data, (col. 4, lines 41-48, col. 5, lines 9-15).

Snelling teaches of a residential unit which may be connected by a landline connection or by a wireless local loop connection via the NCU (100, fig. 1), (col. 6, lines 50-64). Snelling further teaches that a transceiver is connected to a multiplexer for passing signals from the NCU to the wireless devices in the user's premise, (col. 6, lines 24-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the home gateway system of McKendry by replacing the service entrance switch with a fixed wireless local loop connection, as taught by Baldwin, so that the connection between the users home and PSTN can be less expensive and so that status

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information may be displayed or reported from a fixed wireless terminal operating in a wireless local loop. It would have also been obvious to further modify the system of McKendry and Baldwin to use a multiplexer in the transceiver as taught by Snelling so that more than two signals can be passed through the lines.

**Regarding claim 6**, McKendry teaches of a controller capable of redirecting the incoming call to a predetermined forwarded telephone number, (col. 7 lines 64-67). As stated above, it would have been obvious to connect the controller to a transceiver to establish a wireless local loop connection.

**Regarding claim 8**, McKendry and Baldwin as applied above teaches the system includes a router coupled to a transceiver. The system of McKendry routes calls from a landline-based system. McKendry also teaches of routers are well known in the prior art (col. 3, line 61 – col. 4 line 3). The PCAM routes call to various locations in the user's premise. It would have been obvious that the router is coupled to a transceiver if the system establishes a wireless local loop connection as taught above with Baldwin.

6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Baldwin and further in view of Snelling and further in view of Shen U.S. Patent 5,812,649, as used in the previous Office Action.

**Regarding claim 2**, while McKendry, Baldwin and Snelling teaches of having a caller identification system they do not expressly disclose of a processor determining if the incoming call is received during an existing call and posting an indicia of the incoming call to a user when the incoming call is received during the existing call.

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Shen teaches of a method for supporting spontaneous call waiting ID service. Shen further discloses of posting a caller name on a display when the user is on the line, (col. 2, lines 26-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry, Baldwin and Snelling by having Caller Identification on Call Waiting (SCWID) as taught by Shen so that the user can see who is calling when the line is in use.

**Regarding claims 3 and 4**, McKendry discloses of the voice processing system including a controller for detecting the incoming call and directing the system to play a plurality of options to a caller (col. 5, lines 16-20). If the system is able to play a plurality of option to the caller it inherently must have a speech synthesizer. The caller can have the option of routing the call to any of the local extensions on the user's premise.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Baldwin and further in view of Snelling and further in view of Hylton US Patent 5,793,413, as used in the previous Office Action.

**Regarding claim 7**, McKendry and Baldwin, as applied above, fail to teach of using a smart card.

Hylton teaches of using a smart card in a home system that is connected by means of a fixed wireless local loop connection, (col. 28, lines 36-40). The smart card is used to transmit user data into the system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry, Baldwin and Snelling by using a smart

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card as taught by Hylton so that so that a users may communication with e.g., medical information through a processor and broadband network to a receiving party with the use of a smart card that comprises user personal information.

8. Claims 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Baldwin and further in view of Snelling and further in view of Sizer, II et al. U.S. Patent 6,021,324 (hereinafter Sizer), as used in the previous Office Action.

**Regarding claims 9 and 10**, McKendry, Baldwin and Snelling, as applied above, do not expressly teach of a security system and a television processing system coupled to a router.

Sizer teaches of a system and apparatus for controlling appliances situated within a premise. The system has a television processing system (col. 4, lines 44-58) and a home security system, (col. 1, lines 52-56 and figure 1). The system of Sizer allows a user to control various appliances in the house from a remote location using voice recognition.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry and Baldwin by having a television processing system and a home security system so that the caller ID information can be displayed to the user on the television and the user can remotely control various appliances around the house which includes a home security system via a telephone.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable McKendry in view of Hylton US Patent 5,793,413, as used in the previous Office Action.

**Regarding claim 26**, McKendry, as applied above, does not expressly disclose of a smart card interface connected to the processor.



Hylton teaches of a smart card interface connected to the processor, (col. 28, lines 36-40).

The smart card is used to transmit user data into the system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry by using a smart card as disclosed by Hylton so that a users may communication with e.g., medical information through a processor and broadband network to a receiving party with the use of a smart card that comprises user personal information.

10. Claims 27-28 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Hylton and further in view of Sizer, II et al. US Patent 6,021,324, (hereinafter Sizer), as used in the previous Office Action.

***Regarding claims 27 and 28***, McKendry and Hylton as applied above fail to teaches of using a television processing system and a home security system.

Sizer teaches of a system and apparatus for controlling appliances situated within a premise. The system has a television processing system (col. 4, lines 44-58) and a home security system, (col. 1, lines 52-56 and figure 1). The system of Sizer allows a user to control various appliances in the house from a remote location using voice recognition.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry and Hylton by having a television processing system and a home security system so that the caller ID information can be displayed to the user on the television and the user can remotely control various appliances around the house which includes a home security system via a telephone.

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11. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Hylton and further in view of Sizer and further in view of Gorman US 6,141,356, as used in the previous Office Action.

**Regarding claim 29**, while McKendry, Hylton and Sizer teach of a system which connects to a PSTN line via a land line connection they failed to teach of including a wireless local loop transceiver connecting to the external telephony channel.

Gorman teaches of a method for distributing high-speed data information using plain old telephone services voice signals throughout a user premise. Gorman further teaches of a fixed wireless local loop transceiver connected to the external telephony channel, (Figs 1 and 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the home system of McKendry, Hylton and Sizer by establishing a wireless local loop connection as taught by Gorman so that the connection between the users home and PSTN can be less expensive since wireless connection cost less than landline connections.

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sizer in view of McKendry and further in view of Baldwin and further in view of Hylton, as used in the previous Office Action.

**Regarding claim 30**, Sizer discloses of a home gateway system comprising:

a switch (80);

a processor (microprocessor – 32) connected to the switch receiving a query from the switch and sending a response to the switch (col. 9, lines 10-22);

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a caller identification system (50) connected to the processor (32), the caller identification system coupled to a display (44), (col. 4, lines 59-67);

a home automation and security system, capable of sending and receiving a message through the telephony network (col. 1, lines 52-56); and a television processing system (12) connected to the router and receiving a television signal, the television processing system capable of sending an information to a television. . (Fig. 1, col. 4, lines 43-58).

Sizer does not expressly teach of a conference call bridge being connected to the switch. McKendry teaches of conference calling (figure 4, column 25 lines 16-18) being connected to a switch. It would have also been obvious to allow the system of Sizer to use conference calls to allow a user to make conference calls since conference calling is a well-known feature.

Sizer and McKendry fail to teach of a wireless transceiver attached to a home, capable of establishing a wireless local loop point to point link with a geographically separated non-mobile base station. Baldwin teaches of establishing the wireless local loop connection (fig. 1 and fig. 2). It is also well known in the art that a multiplexer is used to pass two or more signals over one communication circuit. It would have been obvious if not inherent that Baldwin has a multiplexer since the call processor of Baldwin sends call processing parameters during the call set up, receives and transmits communication and displays call status information. Baldwin may obviously have a multiplexer in the call processor.

It would have been obvious to allow for the home gateway system of Sizer and McKendry to be established with a wireless local loop connection as taught by Baldwin so that the connection between the users home and PSTN can be less expensive and so that status

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information may be displayed or reported from a fixed wireless terminal operating in a wireless local loop.

Sizer, McKendry and Baldwin fail to teach of using a smart card. Hylton discloses of a wireless connection (see figure 2) to a device wherein the device has smart card, (col. 28, lines 36-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sizer by allowing the user to establish a conference call as taught by McKendry so that the user can have three-way calling. It would have also been obvious to further modify the system of Sizer and McKendry by establishing a wireless local loop connection as taught by Baldwin so that the connection between the users home and PSTN can be less expensive and so that status information may be displayed or reported from a fixed wireless terminal operating in a wireless local loop. Finally, it would have been obvious to further modify the system of Sizer, McKendry and Baldwin by using a smart card in the home gateway system as taught by Hylton so that a users may communication with e.g., medical information through a processor and broadband network to a receiving party with the use of a smart card that comprises user personal information.

### ***Response to Arguments***

13. Applicant's arguments filed June 5, 2001 have been fully considered but they are not persuasive.

***As per claim 1:***

The Applicants contend that the combination of McKendry, Baldwin and Snelling is not the same as applicants' invention and that the combination will result in a different system. The Examiner respectfully disagrees.

The Examiner, as stated in the previous office action, used the combination of McKendry with Baldwin to show that one skilled in the art would have used a wireless local loop connection instead of a landline connection. McKendry teaches of using a land line connection for connection between the user's home and the telephone network. Baldwin, which teaches of a wireless local loop connection, provides motivation for one skilled in the art to use a wireless connection to a user premise.

The applicants also stated that the combination of McKendry and Baldwin would result in the personal call manager of McKendry being connected to the fixed wireless terminal. The Examiner notes that this meets the claim language since the combination of McKendry and Baldwin provides a home gateway system of McKendry establishing a local loop connection with a non-mobile base station through the fixed wireless terminal.

The Examiner used a third reference "Snelling" to teach that it is obvious that a transceiver when used in wireless local loop environment or in general would have a multiplexer. This teaching was well known in the art at the time the invention was made. Snelling, as stated in the rejection, teaches of a residential unit which establishes a wireless local loop connection. The transceiver of Snelling even though it is used for the wireless devices in the house as noted by the Applicants, has a multiplexer which is in the network control unit (NCU) 100. The NCU comprises of the transceiver and a multiplexer and also establishes the wireless local loop

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connection to a non-base station. Therefore, proper combination is used and the combination of McKendry, Baldwin and Snelling meets the limitations of the present pending claims.

***As per claim 7:***

The Applicants contend that smart card interface of Hylton is not part of a home gateway system as required by claim 7. The Examiner respectfully disagrees.

The smart card is in a home gateway system as discussed in the previous office action. Since the smart card is connected to the personal call manager of McKendry once combined, it will become a part of the home gateway system since the personal call manager is within the home gateway system.

***As per claim 8-10,25,27,28 and 30:***

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a router routing packets of data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification **are not** read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicants state that the routing is done by a switch in the prior art of record. While the Examiner agrees that the main embodiment includes routing being done by a switch, a router can be broadly interpreted as an interface between two network and/or a device which routes data. Both interpretations are clearly shown in the prior art. For example, in McKendry or Sizer, the two networks is the network that is outside of the home and the second network is the network that is the inside of the home. A switch (router) connects the two networks. Since the

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switch of the prior art routes calls as stated by the applicants, the Examiner notes that this reads on a router since calls is still considered to be data that is being sent from the telephone network.

Further in the rejection of claim 30 in which the Examiner used Sizer to teach of a router. Sizer teaches of the router (11) connected to the switch as shown in figure 3. The prior art sends messages through the router to the home automation and security systems. Data goes through the router to control the devices within the user premise. Therefore, given the broadest interpretation of a router as stated above the prior art used in the rejection teaches of a router as presently claimed.

*As per claim 22:*

In response to applicants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., stealing bandwidth from the other lines to create another line) are not recited in the rejected claim(s).

The Examiner agrees with the Applicants in that the **specification** teaches of the derived line process steals bandwidth to create another line, however, the claims do not claim such a method. The Examiner interpreted the derived line process to be any derived line process as shown in the previous office action. Since the PCAM controller of McKendry can detect which line goes off-hook it can "derive" which line went off-hook so it can monitor the line. Therefore, since McKendry can derived which line went off-hook, as stated above, it meets the claimed limitation of "derived line process".

If the applicants which to read away from the prior art used in claim 22, the Examiner suggests of adding the steps of performing the derived line process as stated in the specification to the claims.

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***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

15. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Ovidio Escalante  
Examiner  
Group 2645  
June 19, 2001

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

